

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, July 14, 2021**

3 **7:00 p.m.**

4
5 A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting
6 of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Kevin Daly, Chair

10 Cheylynn Hayman

11 Christina Wilcox

12 Becki Wright

13
14 **MEMBERS ABSENT**

15 Mason Kjar

16 Heidi Shegrud

17 Spencer Summerhays

18
19 **STAFF PRESENT**

20 Cory Snyder, Community Development Director

21 Lisa Romney, City Attorney

22 Mackenzie Wood, Assistant Planner

23 Connie Larson, Recording Secretary

24
25 **VISITORS**

26 Chad Morris

Kent Bangerter

27 Zach Swenson

William Nelson

28 Paul Gregerson

George Andrews

29 Wendy Bangerter

Barry

30
31 **PLEDGE OF ALLEGIANCE**

32
33 **OPENING COMMENTS/LEGISLATIVE PRAYER** Commissioner Wright

34
35 **ADMINISTRATIVE DECISION – PUBLIC HEARING – CONCEPTUAL SITE &**
36 **CONCEPTUAL SUBDIVISION PLANS – CANYON POINT. A PROPOSED MULTI-**
37 **FAMILY DEVELOPMENT LOCATED AT APPROXIMATELY 347 NORTH 400 EAST**
38 **CONSISTING OF FIVE (5) DUPLEXES AND ONE (1) SINGLE-FAMILY DWELLING.**
39 **ZONING DISTRICT IS RESIDENTIAL MEDIUM (R-M).**

40 Cory Snyder, Community Development Director, explained the applicant has submitted
41 the Conceptual Site Plan for the property located at 347 North 400 East. He has purchased this
42 property, along with other homes and lots on 400 North, which will become one development. The
43 proposed development will be eleven duplexes on 1.62 acres, and will be in the Residential-
44 Medium (R-M) Zone.

1 The Commission viewed the architectural plans and the Conceptual Site Plan. The proposed
2 development is in the Deuel Creek Historic District, which was established by the Landmarks
3 Commission with the intention of preserving historic homes. There are incentives available to
4 preserve historic homes, but the applicant has not requested these incentives.
5

6 The duplexes are allowed in the R-M Zone, and the applicant complies with the setback
7 requirements. There are two parking spaces per unit, and five visitor parking stalls, one stall short.
8 The issue of trash removal must be addressed, as the development will have a private street, and
9 there are still questions on utility easements.
10

11 At the last State Legislative session, the State no longer allows cities to address the outside
12 design of duplexes.
13

14 An HOA will need to be formed for this development, as the road and landscaping will be
15 common. Voluntary standards for the Deuel Creek Historic District were established by the
16 Landmarks Commission, and they are enforced by the Zoning Administrator. Commissioner
17 Wright asked about the setback requirements on the Conceptual Site Plan for units 3, 4, and 5, and
18 if they are all on one lot. Mr. Snyder said the setbacks are applied from both streets. The
19 Commission viewed the residential zoning requirements. CZC 12.55.130(1), allows for flexibility
20 of setbacks. Commissioner Wilcox asked if there will be a buffer between the two properties and
21 the road behind them. Cory Snyder said it is up to the property owners to install a fence, as there
22 is no requirement for the applicant to provide a buffer.
23

24 Chad Morris, applicant, said the property owners in this area have been very helpful and
25 understanding that this area needs to be revitalized. He is also working on providing extra visitor
26 parking stalls and on trash removal for the private street.
27

28 At 7:42 p.m., Chair Kevin Daly opened the public hearing for comments.
29

30 Paul Gregerson, Granite Square resident, asked about two car garage driveways facing the
31 private drive. He suggested the trash cans could be placed on 400 North for the City to pick up.
32

33 Wendy Bangerter, Granite Square resident, asked what the plans are for stormwater
34 retention. She suggested the retention be walled with a concrete wall, so that it will not compromise
35 the vinyl fence of the Granite Square development.
36

37 Barry _____, Granite Square resident, said the proposed units are single level, but inquired
38 if that could change with due process. He is concerned about the height of the units.
39

40 William Nelson, Granite Square resident, is concerned about the drainage of water from
41 the property, and asked who is responsible if the engineering of the water retention fails.
42

43 Kent Bangerter, Granite Square resident, said he is concerned about the loss of privacy of
44 the backyards of the Granite Square residents. He is also concerned about two-story buildings.
Will the zoning allow for the owners of these units to turnaround and rent them?

1 George Andrews, Granite Square resident, requested if the electrical power source will be
2 above or below ground. He is concerned about fire protection.

3
4 At 7:49 p.m., Chair Daly closed the public hearing for comments.

5
6 Mr. Snyder explained fire hydrants are required at 400 feet radius. South Davis Metro Fire
7 District will evaluate the fire hydrants and the ability of the fire apparatus to access the private
8 road and to turn the fire truck around. This will be reviewed with the construction drawings at final
9 application. The units are 27 feet high, which is in compliance with the base zone of 35 feet. In the
10 future, if the HOA decides to add another level to the units, they can request a site plan amendment.
11 The current City Ordinance requires all utility lines to be underground. There are no standards to
12 mitigate loss of privacy to a backyard, and the City has no way to determine if a home is purchased
13 and then rented out. However, the renter cannot sublease the unit. The City Engineer will review
14 storm water retention and reasonable engineering covers most circumstances, but it cannot
15 guarantee against retention failure.

16
17 Lisa Romney, City Attorney, explained that if the storm drain system is a private system,
18 the private property owners or an HOA will be responsible for maintenance of the system and for
19 any retention failure. The City is involved in the initial engineering review, but any private system
20 failure or lack of maintenance of the system will be the responsibility of the private property
21 owners or HOA.

22
23 Chad Morris said the two-car garage driveways will go out to the private street, and he
24 does not have the exact details on garbage collection. The private street will be a wider road, and
25 perhaps all of the garbage cans could be on one side of the road. He has not talked to a garbage
26 collection company at this time. He has submitted the plans for the units to be 27 feet high, and all
27 of the units will have basements.

28
29 Commissioner Hayman made a **motion** to accept the Conceptual Site Plan for Canyon
30 Point in Centerville, located at approximately 347 North 400 East, with the following directives:

- 31
- 32 1. A final site plan shall be submitted as outlined in Section 12.21.110(e) of the City's
33 Zoning Ordinance.
 - 34 2. The site layout shall be corrected to meet the setback requirements, or the applicant
35 may use CZC 12.55.130(1), to enhance the internal development layout spacing.
 - 36 3. The site plan layout shall be corrected to provide the required six (6) visitor parking
37 stalls and correct fence heights within any front yard area.
 - 38 4. The Final Site Plan shall provide a complete landscaping plan, designed by a Landscape
39 Architect. According to 12.51.060 one tree and two shrubs shall be provided per
40 dwelling unit and that the landscaping shall be designed to address the enhancement of
41 crime prevention, provide privacy, and maximize energy efficiency by planning for
42 proper solar orientation.
 - 43 5. The Final Site Plan submittal shall address the trash enclosers or other means of refuse
44 service.

6. If the applicant desires to have signage for the project, this shall be indicated on the Final Site Plan, and meet the requirements found in Chapter 12.54 of the Zoning Ordinance.
7. As part of the Final Site Plan submittal, the applicant shall obtain and submit all missing and applicable utility provider comment sheets.
8. The Final Site Plan and/or Preliminary Subdivision submittal shall address the City Engineer's comments regarding the development's civil engineering. Additionally, a soils study shall be prepared to determine the depth of the water table.
9. Architectural building design ought to consider the Deuel Creek Historic District architectural context and the incentives listed for this historical area.

Suggested reasons for the action:

- a) The Conceptual Site Plan submittal has adequately shown how the property may be developed [CZC 12.21.110(d) (2)].
- b) The development appears to satisfy the goals and objectives found within the Centerville City General Plan, Section 12-480-2(b) (3) & 12-480-2(b) (4).
- c) The proposed Conceptual Site Plan, with the directives given, appears to be capable of satisfying the applicable Development Standards for the R-M Zone.

Commissioner Wilcox seconded the motion, which was approved by unanimous roll-call vote (4-0).

Commissioner Wright made a **motion** for the Planning Commission to accept the Conceptual Subdivision Plan for Canyon Point in Centerville, located at approximately 347 North 400 East, with the following directives:

1. A Preliminary Subdivision Application shall be prepared in accordance with CMC 15.4.102, Preliminary Subdivision.
2. The applicant shall obtain a Final Site Plan Approval prior to or in conjunction with a Preliminary Subdivision submittal to ensure that the site's development layout is finalized.

Suggested reasons for the action:

- a) The conceptual subdivision is in harmony with the Centerville City General Plan, Section 12-480-2(b) (3) & 12-480-2(b) (4).
- b) The proposed Conceptual Subdivision submittal, with the directives given, meet the requirements for a conceptual subdivision acceptance listed in CMC 15.02.050 and ensures an adequate review of the requirements for Planned Unit Development listed in CMC 15.06.010.
- c) The proposed conceptual subdivision plan, with the directives given, appears to be capable of satisfying the applicable Development Standards for the R-M Zone.

Commissioner Heyman seconded the motion, which was passed by unanimous roll-call vote (4-0).

ADMINISTRATIVE DECISIONS – PUBLIC HEARING – CONCEPTUAL SITE PLAN AND CONCEPTUAL SUBDIVISION – THE LANE – A PROPOSED SINGLE-FAMILY DEVELOPMENT LOCATED AT APPROXIMATELY 644 WEST 400 SOUTH CONSISTING OF TWELVE SINGLE-FAMILY DWELLINGS. ZONING DISTRICT IS RESIDENTIAL MEDIUM (R-M).

Mackenzie Wood, Assistant Planner, explained this is the Dave Bell property located on the Porter Lane next to the Porter Walton townhomes. This is a PUD with the lots being sold separately. The landscaping ordinance and open space requirements of the R-M Zone do not apply for single-family units. The units will share a common driveway. The PUD is on two separate parcels but they will need to be combined. For the Conceptual Subdivision Review, the City Engineer is requesting more information for on-site retention to drain to the Frontage Road. The Street Supervisor is requesting street lights be placed every 500 feet in the subdivision, and at the entrance to the subdivision.

Lisa Romney, City Attorney, raised the issue about the existing two parcels. She explained that this matter should have been remedied with the rezone approval. In reviewing the rezone ordinance, however, the conditions of approval just said that the illegal parcel shall be combined with the other parcel prior to any future development. Ms. Romney suggested the Planning Commission add a condition to both the site plan and conceptual subdivision approval that the applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.

Zach Swenson, applicant, said this PUD is for the moderately priced homebuyer. The intention is to purchase the property and then make the change of eliminating the property line. The homeowners will decide what landscaping they want. The existing building in the northwest corner is a shed, and it must be removed. Mr. Swenson has talked with the owner to have it demolished. The units are 2,600 square feet with three to four bedrooms each, and are one story with a basement.

At 8:29 p.m., Chair Daly opened the public hearing for comments. There was no one wishing to comment, and the public hearing was closed.

Commissioner Hayman discussed the possibility of having citizens who are viewing the Planning Commission meetings on YouTube have the ability to call in their comments on items being discussed.

Commissioner Wright asked if the City Engineer has researched the retention pond for The Lane Subdivision to determine if there is proper drainage. Mr. Snyder replied the City Engineer has not completed the soil and analysis study at this time, which must be done in order to determine the size of the retention area.

Commissioner Hayman made a **motion** for the Centerville Planning Commission to accept the Conceptual Site Plan for The Lane, located at approximately 644 West 400 South, with the following directives:

1. A final Site Plan shall be submitted as outlined in CZC 12.21.110(e).
2. Provide stamped architectural plans at Final Site Plan application.
3. If the applicant desires to have signage for the project, this shall be indicated on the Final Site Plan, and meet the requirements found in CZC 12.54.
4. The applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.
5. The applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.

Suggested reasons for findings:

- a) The Conceptual Site Plan submittal has adequately shown how the property may be developed [CZC 12.21.110(d) (2)].
- b) The development appears to satisfy the goals and objectives found within the Centerville City General Plan [12-480-3].

Commissioner Hayman **amended her motion** to add the following conditions:

1. The applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.

Commissioner Wright seconded the motion, which was passed by unanimous roll-call vote (4-0).

Commissioner Wilcox made a **motion** to approve the Conceptual Subdivision Plan for The Lane, located at 644 West 400 South, with the following directives:

1. A Preliminary Subdivision Application shall be prepared in accordance with CMC 15.03.030.
2. The applicant shall obtain Final site Plan approval prior to or in conjunction with a preliminary subdivision submittal to ensure that the site's development layout is finalized.
3. The applicant shall provide street light information at preliminary submittal.
4. The applicant shall provide proof of drainage compliant with applicable City Ordinance.
5. The applicant shall combine the two parcels prior to or concurrent with recording the final plat or prior to issuance of any development or building permit within the project, whichever occurs first.

Suggested reasons for action (findings):

- a) The conceptual subdivision is in harmony with the Centerville City General Plan, Section 12-480-3.
- b) The proposed Conceptual Subdivision submittal, with the directives given, meets the requirements for a conceptual subdivision acceptance listed in CMC 15.02.050, and ensures an adequate review of the requirements for Planned Unit Development listed in CMC 15.06.010.
- c) The proposed Conceptual Subdivision Plan, with the directives given, appears to be capable of satisfying the applicable development standards for the R-M Zone.

Commissioner Hayman seconded the motion, which was passed by unanimous roll-call vote (4-0).

**ADMINISTRATIVE DECISION – SMALL SUBDIVISION – BRADLEY TRUMP –
SMALL SUBDIVISION WAIVER/LOT SPLIT APPLICATION REVIEW FOR
PROPERTY LOCATED AT 470 EAST 400 SOUTH, PREVIOUSLY REVIEWED IN
MARCH 2020. PREVIOUSLY TABLED ON JUNE 23, 2021.**

Lisa Romney, City Attorney, explained the small subdivision lot split will create an illegality, in that there will be an accessory buildings or structures on one of the proposed lots without a primary residential use on the property. Staff realizes the applicant has one year to record the plat. If the applicant intends to apply for a building permit, then most of the conditions will not have to be imposed. Under current City Ordinances, the structures are required to be removed before the plat is recorded.

Lisa Romney recommends the Planning Commission add the suggested condition #6 to the small subdivision waiver approval to require the accessory structures to be removed prior to recording the final plat, or have the applicant obtain a building permit for a primary dwelling within 12 months from the date of final plat recording, along with an agreement and a note on the title if someone else purchases the property.

Chair Daly asked for clarification that the applicant has 12 months to record the plat, and after that they can apply for the building permit. After 30 months from approval for construction the structure must be completed. Mr. Snyder stated he talked with the applicant on the conditions for approval and the bonding and construction loan.

Commissioner Hayman made a **motion** for the Planning Commission to approve the small subdivision waiver, subject to the following:

1. The small subdivision waiver shall be for Parcels 02-068-0141 and 02-068-0081, located at approximately 424 East and 470 East 400 South Street.
2. The following items shall be effective or addressed as part of this small subdivision waiver approval:

- a. The applicant shall prepare a final paper plat for the properties, as per the City subdivision standards to the Centerville City recorder. After the paper plat is deemed acceptable by the City, a Final Linen Plat, for County recording, shall be prepared, signed, and submitted to the City Recorder.
- b. The applicant shall prepare required subdivision construction drawings for the minimum needed improvements (e.g., sewer, drainage, and public improvements, etc.) to be installed for the subdivision and shall be deemed acceptable by the City Engineer.
- c. The Final Linen Plat shall show and provide all required seven-foot interior lot line public utility easements, which shall be deemed acceptable by the City Engineer and Public Works Director.
- d. The subdivision construction drawings and Final Linen Plat shall show and comply with the required 2,000 square-foot buildable area for the new lot.
- e. Prior to recording the small subdivision waiver plat, applicant shall submit an updated title report for the entire property area for review and approval of encumbrances and ownership by the City Attorney and City Engineer.
- f. At minimum, the following plat notes shall be set forth on the final plat, or as deemed acceptable to the City Attorney, for the small subdivision waiver:
 - Approval of the small subdivision waiver plat by Centerville City does not constitute any representation as to the adequacy of subsurface soil conditions nor the location or depth of ground water tables.
3. The applicant shall provide the required Utility Provider sheets to the City.
4. The applicant shall provide verification that the applicable secondary water service is available for the proposed new lot and shall install all necessary improvements.
5. The applicant shall pay all applicable impact fees and post the related bonds for public improvements prior to recordation of the Final Linen Subdivision Plat.
6. The small subdivision lot split will create an illegality in that there will be accessory buildings or structures on one of the proposed lots without a primary residential use on the property. In order to remedy this illegality, approval of the small subdivision waiver and final plat shall be conditioned upon the applicant and/or property owner complying with the following:
 - a. Remove the illegal accessory structures from the property prior to recording the final plat; or
 - b. Obtain a building permit for the construction of a primary residential dwelling on the property within 12 months from the date of final plat recording and completing the construction of such primary residential dwelling within 30 months from the date of final plat recording.
 - c. In the event a building permit for the construction of a primary residential dwelling is not obtained within 12 months from the date of final plat recording, the applicant and/or property owner shall be required to remove the accessory structures within 15 months from the date of final plat recording.
 - d. In the event the primary residential dwelling is not completed within the required 30 months from the date of final plat recording, the applicant and/or property owner shall be required to remove the accessory structures within 33 months from the date of final plat recording.

- 1 e. In the event the accessory structures are not removed prior to recording of the
2 final plat, the applicant shall be required to place a note on the final plat in a
3 form acceptable to the City describing the illegality of the accessory structures
4 and the condition of removal or construction of a primary residential dwelling
5 on the property as provided in this condition.
6 f. In the event the accessory structures are not removed prior to recording of the
7 final plat, the applicant shall be required to post a \$10,000 demolition bond with
8 the City and enter into an agreement with the City for use of the bond in the
9 event of default by the applicant and/or property owner under the terms of this
10 condition.
11 g. In the event the accessory structures are not removed prior to recording of the
12 final plat, the City shall be authorized to record a notice of illegality or
13 nonconformity against the property providing notice of the requirements of this
14 condition.
15

16 Suggested reasons for the action (findings):
17

- 18 a. The Planning Commission finds that the subdivision qualifies for the small
19 subdivision waiver, in accordance with the criteria found in CMC 15.02.070 of the
20 Subdivision Ordinance.
21 b. The Planning Commission finds that two lots are consistent with the applicable
22 Zoning Standards for the Residential Low Zone.
23 c. The Planning Commission finds that with the conditions imposed, the general
24 requirements for all subdivisions have been addressed and/or fulfilled.
25

26 Commissioner Wilcox seconded the motion, which was passed by unanimous roll-call vote
27 (4-0).
28

29 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
30

- 31 • Owner Occupancy Requirements will be discussed at the July 28, 2021 meeting.
32 • Citizens have approached Mayor Wilkinson about changing the fencing requirements
33 to allow for higher fencing on street facing property.
34 • Proposed Zone Text Amendment – Internal ADU's – State Requirement.
35

36 Chair Daly reported on the work session with the City Council on goals.
37

38 **MINUTES REVIEW AND APPROVAL**
39

40 Minutes of the June 23, 2021 Planning Commission meeting were reviewed.
41 Commissioner Hayman made a **motion** to approve the minutes as amended. Commissioner Wright
42 seconded the motion, which was passed by unanimous vote (4-0).

